

EXHIBIT G

UNITED STATES' OPPOSITION TO PETITIONER MARIE NEBA'S MOTION FOR EVIDENTIARY HEARING

April 13, 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO. 19-80055-CR-DIMITROULEAS

Plaintiff,

vs.

RAYMOND SHORES,

Defendant.

ORDER

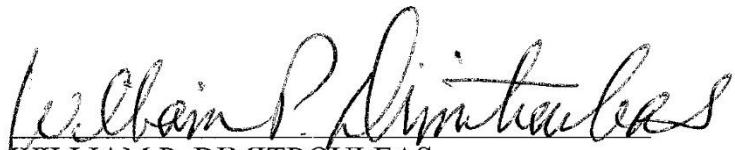
THIS CAUSE is before the Court on Defendant's March 30, 2020 Emergency Motion for Compassionate Release [DE-49]. The Court received an expedited response from the Government on April 1, 2020 [DE-51]. The Court has reviewed the Court file and Pre-Sentence Investigation Report and has presided over this cause. The Court agrees with the Government's response. Shores has not exhausted his administrative remedies. Defendant must wait until either the Warden denies his request or 30 days after the Warden's inaction following the receipt of Shores' request, to file a motion under the First Step Act. The mere existence of Covid-19 in the Bureau of Prisons, or even in the prison where the Defendant is housed, would not constitute an emergency warranting the reduction of the waiting period from thirty (30) to three (3) days for the Warden to act. Indeed, a Defendant's testing positive for Covid-19 may not even qualify for such an expedited review.

The Court has again considered the factors in 18 U.S.C. § 3553(a) and the applicable policy statements from the Sentencing Guidelines Commission. Even if the Warden had denied the request or if 30 days had elapsed, this Court would not find that serving a little over two (2) months of an eighty (80) month sentence would justify a reduction under the facts of this case. It

does not act as a deterrent; it does not promote respect for the law. No extraordinary and compelling reasons have been offered to warrant such a reduction.

The Emergency Motion for Compassionate Release [DE-49] is Dismissed; alternatively, it is Denied on the merits.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 1st day of April, 2020.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Counsel of Record